

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 31, 1947  
10:45 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

## Roll call

Present : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Absent : None

Present also: W. E. Seaholm, Director Public Utilities, J.E. Motheral,  
Director Public Works; Trueman E. O'Quinn, City Attorney; and R. D. Thorp,  
Chief of Police. Absent, Guiton Morgan, City Manager.

The reading of the Minutes was dispensed with.

Mrs. W. H. Ragsdill, 1103 Lorrain Street, came before the Council relative to the paving of Lorrain Street between 10th and 12th Streets, and asked that the property owners be allowed to pay their proportionate part of the paving of said street at the old rate, as they asked for an estimate of the cost of same in October, 1946, and were not given this estimate until March, 1947, and that the majority of those signing up for the paving did so at the old rate. The request was taken under advisement by the Council to determine whether this project should be done under the old cost or not, as well as other projects of like nature; a decision in the matter to be reached by next Monday.

Bascom Giles and M. H. Crockett came before the Council and asked that 38 $\frac{1}{2}$  Street from East Avenue to the city limits be opened, the land for said street having been dedicated and about half of the street opened some fifteen years ago. Mr. Giles submitted a proposition that if the City would put the street in shape, build a bridge, etc., the property owners would pay for the topping of the street, no curb and gutters being needed. The matter was referred to the City Manager and the Director of Public Works to get an estimate of the cost of opening said street, and to determine if funds for same can be made available.

A petition, signed by property owners on Shady Lane between East 1st and East 5th Streets, presented by Sterling Fulmore, asking that inasmuch

as the proposed sewer line on Shady Lane will tie into the City sewer line and the construction of same will be under the supervision of the City, the City Engineering Department furnish plans and specifications and estimate of cost for constructing said line, this to be done at the earliest possible time in order to relieve an insanitary condition caused by waste waters from filling stations and launderette emptying into ditches in the streets. Petitioners further asked that they be advised what the basis of refund on said sewer line would be when this territory is taken into the city limits, and were advised by the Mayor that it is not the City's policy to make such refunds. The petition was then referred to the City Manager for consideration and report to the Council.

Pursuant to published notice thereof, the public hearing on the application of Dr. A. H. Neighbors, Jr., to amend the Zoning Ordinance in the following particular :

To amend the USE designation of the following described property so as to change the same from "B" Residence District to "C" Commercial District, to-wit:

Lots 1, 2, 3, 4, and 5, Block 8, Hyde Park Addition, being known as 4413 and 4415 Avenue A, and located at the southeast corner of Avenue A and West 45th Street, in the City of Austin, Travis County, Texas,

was duly opened.

Dr. A. H. Neighbors, Jr., proponent, plead for the change on the ground that most of the surrounding property is commercial and that the property owners' only objection to the change is that they wish it to remain as now zoned. He further declared that Mrs. Mary Hewlett Martin and other property owners were in favor of the change.

The following property owners appeared and protested the change substantially as follows:

Mr. and Mrs. Ernest Raven, 4412 Avenue A, who declared that the change would be detrimental to their home life and others in the community; that this property is surrounded by residences; that there is no need for the change; and that it would open the way for other commercial changes there.

All property owners or other interested persons having been given an opportunity to be heard, the hearing was thereupon closed, and Councilman Glass moved that the Board of Adjustment be sustained and the change be not granted. The motion was seconded by Councilman Johnson, and the same prevailed by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The application of Tim Golden for change in zoning, from "A" Residence District to "C" Commercial District, of property fronting 153 feet on Tillery Street and 112.21 feet on Lyons Road, was received. Councilman Glass moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of MILTON ERNEST MOONEY, Colored, 1119 East 11th Street, for a license to operate as a taxicab, a 2-door Chevrolet Sedan, 1939 Model, Engine No. 2436161, State License No. JH-5599, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of LAWRENCE WILLIAMS, Colored, 1614 Rosewood Avenue, for a license to operate as a taxicab a Super Delux Ford, 1941 Model, State License No. JC-1682, recommended for denial, was heard on appeal by Kenneth Lamkin, Colored, Attorney for applicant. After considering the facts in the case, Councilman Thornberry moved that applicant be granted a ninety days probationary license. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of CHARLES ROY HARRIS, Colored, 1315 East 12th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of ROBERT GEORGE LEARY, 1418 Barton Spring Road, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of ALBERT C. PLUMLEY, 710 West 6th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of JACK FREEMAN ARBUTHNOT, 3902 Morningside Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The appeal of WILBURN DORY, Colored, by Kenneth Lamkin, Attorney, on his application for a taxicab driver's permit, which had been recommended for denial, was heard. After considering the facts in the case, Councilman Glass moved that the said Wilburn Dory, Colored, be granted a ninety days probationary permit to drive a taxicab. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The appeal of VEDHEN GRANVILLE FUCLES, Colored, by Kenneth Lamkin, Attorney, on his application for a taxicab driver's permit, which had been recommended for denial, was heard. After considering the facts in the case, Mayor Miller moved that the said Vedhen Granville Fucles, Colored, be granted a ninety days probationary permit to drive a taxicab. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The appeal of LAWRENCE WILLIAMS, Colored, 1614 Rosewood Avenue, by Kenneth Lamkin, Attorney, on his application for a taxicab driver's permit, which had been recommended for denial, was heard. After considering the facts in the case, Councilman Thornberry moved that the said Lawrence Williams, Colored, be granted a ninety days probationary permit to drive a taxicab. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of DOMINO BAR, 712 East 6th Street, by Jim Riojas, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The application of 7TH STREET CLUB, 2146 East 7th Street, by Ed. Gildon, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The following applications to operate private boats, duly approved by the Navigation Board, were submitted:

<u>Name of Owner</u>	<u>Description</u>
Feild, E. G., 1710 Newfield Lane	Lyman, Outboard, 1946 Model, "Gene II", Evenrude, 4-passenger
Peterson, Fillmore A., 3304 Guadalupe St	Row Boat, two years old, 4-passenger

<u>Name of Owner (Cont'd)</u>	<u>Description</u>
Sandel, L. H., 2704 Bonnie Road	Dunphy, Outboard, 1946 Model, Evinrude, 4-passenger
Watkins, Watt, 805 West 10th Street	U-bottom Fly, Outboard, 1947 Model, "Gracie", 6-passenger
Westbrook, John D., 1607 Waterston St.	Row Boat, 2 years old, 3-passenger
Williams, Cecil, 4507 Shoalwood Avenue	Dixie, Outboard, 1942 Model, Evinrude, 6-passenger

Councilman Bartholomew moved that the licenses be granted. The motion prevailed by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry  
Noes : None

The following applications for licenses to operate commercial boats below the Dam, duly approved by the Navigation Board, were submitted:

<u>Name of Owner</u>	<u>Description</u>
Garrett, Percy J., 3023 Shannon Road	Row Boat, 6 years old, 4-passenger
Garrett, Percy J., 3023 Shannon Road	Row Boat, 5 years old, 3-passenger
Garrett, Percy J., 3023 Shannon Road	Row Boat, 3 years old, 3-passenger
Garrett, Percy J., 3023 Shannon Road	Row Boat, 5 years old, 4-passenger
Garrett, Percy J., 3023 Shannon Road	Row Boat, 2 years old, 2-passenger
Garrett, Percy J., 3023 Shannon Road	Row Boat, 2 years old, 2-passenger
Garrett, Percy J., 3023 Shannon Road	Row Boat, 2 years old, 2-passenger

Councilman Bartholomew moved that the licenses be granted. The motion prevailed by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry  
Noes : None

Councilman Glass introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY", WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 12(b) OF ARTICLE III RELATING TO STOP SIGNS

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AND BY AMENDING SECTION 23(d) OF ARTICLE IV, RELATING TO LOADING ZONES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Glass moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The ordinance was read the second time and Councilman Glass moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The ordinance was read the third time and Councilman Glass moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

Mayor Miller called up for its first reading the following ordinance, which had been introduced at the Regular Meeting of July 17, 1947, and laid over:

AN ORDINANCE DEFINING AND REGULATING CONVALESCENT HOMES IN THE CITY OF AUSTIN, TEXAS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A PENALTY FOR VIOLATIONS; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Glass moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The ordinance was read the second time and Councilman Glass moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The ordinance was read the third time and Councilman Glass moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the final plat of the subdivision known as "Vance Park" approved by the City Plan Commission of the City of Austin July 10, 1947, be, and the same is hereby, accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a contract, on behalf of the City of Austin, with E. B. Sneed, doing business as Texas Crushed Stone Company, for the installation of lines and equipment to the rock crushing plant of Texas Crushed Stone Company located west of the old Burnet Road, all in accordance with the terms and provisions of that certain contract a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Contract attached)

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, hereinafter for convenience sometimes called the City, and E. B. Sneed doing business as Texas Crushed Stone Company, of Travis County, Texas, hereinafter for convenience sometimes called the Customer; WITNESSETH:

For and in consideration of the mutual agreements, conditions, and covenants herein stated, the City and Customer agree as follows:

1. City agrees to install all necessary lines and equipment to the following described building located on the following described property, to-wit: A rock crushing plant belonging to Texas Crushed Stone Company, located west of the old Burnet Road, approximately one mile north of Bull Creek Road on a tract of land formerly owned by W. P. Allen; and the necessary meters to meter the electric power and energy shall be furnished said location by this installation.

2. All necessary lines, equipment and meters furnished by the City for this installation shall remain the property of the City.

3. In consideration of installation by the City of the lines, equipment and meters described above, the Customer agrees to pay to the City Three Thousand Dollars (\$3,000.00), the receipt of which is hereby acknowledged; and said Three Thousand Dollars (\$3,000.00) is the connection charge and is refundable to the Customer as follows:

A yearly credit of 25% of the Customer's gross electric, power and energy bill at the above mentioned location served by the above installation until such time as said accumulated yearly credits equal the amount of said connection charge; provided, however, that no credit shall be made or allowed on said connection charge after five years from the date of this contract. If there is any balance remaining in said connection charge after the expiration of five years from the date of this contract, said balance shall become the property of the City of Austin; provided, further, that if this contract is terminated before the accumulated yearly credits equal the amount of said connection charge, the balance remaining in said connection charge shall become the property of the City of Austin.

4. The City expressly reserves the right to make such repairs and changes to the above mentioned lines and equipment installed by it as it may deem necessary in the orderly conduct of its electric system, and the City shall be responsible for the maintenance of said equipment installed.

5. It is mutually agreed that this contract is made by the parties hereto for and in consideration of the above payments made and covenants done and agreed to be done, and with reference to the existing charter and ordinances of the City of Austin and laws of the State of Texas with reference to and covering all matters affecting this contract, and the Customer agrees to comply with all the provisions of such charter and ordinances.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its corporate seal affixed, and the said E. B. Sneed has executed this instrument in duplicate this \_\_\_\_ day of \_\_\_\_\_, 1947.

CITY OF AUSTIN

By \_\_\_\_\_  
City Manager

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
E. B. Sneed  
doing business as Texas  
Crushed Stone Company



Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a supplemental contract with Moore Construction Company for the construction of an additional multiple box culvert which will be a duplicate of the culvert now being completed by Moore Construction Company on the Bouldin Creek Cut-Off at the Robert E. Lee Road in the City of Austin south of the Colorado River; the supplemental work will also include the construction of bridge approaches, rock fill, and additional rip-rap downstream from the present culvert in order to prevent erosion of the channel banks. The additional multiple box culvert will be constructed at the same unit rates established by contract between the City of Austin and Moore Construction Company for construction of the first culvert now being completed.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the sum of \$18,500.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of constructing an additional multiple box culvert on Robert E. Lee Road and for additional rip-rap and bridge approach fills.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

A petition, signed by Mrs. J. T. Tydlaska and other citizens of Northeast Austin, for better bus service, declaring that the withdrawal of the East Avenue-Oakwood bus is inconveniencing the citizens living on East Avenue, Cameron Road, and outlying streets north of East 19th Street, was received. Councilman Bartholomew moved that the petition be referred to the Austin Transit, Inc., for attention. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The City Manager submitted the following tabulation of bids received for the construction of T-Hangars at the Municipal Airport:

"July 31, 1947

Memorandum to : Guiton Morgan, City Manager

Memorandum from: J. E. Motheral, Director of Public Works

Bids were received on Tuesday, July 29, 1947, for the construction of 10 T-Hangars at the Municipal Airport. The bids were as follows:

J. M. Odom Company \$24,485.00

Ricks Construction Company 18,777.00

Bids for the construction of the Hangars not including the foundation were as follows:

Ricks Construction Company \$17,518.00

Southwest Airmotive Company 13,978.00

Analysis of bids received is attached.

Since our specifications were prepared as only general specifications, it is necessary in considering the bids to analyze the various designs actually involved.

The bid of the Southwest Airmotive Company falls short of meeting our specifications on several points:

1. Hangar width only 38'0" (specification: 40'6"), door opening 37'10" x 9'0" high. Average wing span for small aircraft is 36'0".
2. Specifications call for overhead door or sliding door, bottom roller. They bid sliding doors, top rollers. Sliding doors with top rollers are constant maintenance problem.
3. Framing. Their hangar has no structural members being constructed with 2" deep pressed corrugations, 8" on center fabricated in sheets that form walls and columns as an integral assembly.
4. Siding - is an integral structural part of hangar.
5. Partitions - also integral structural part of hangar.
6. Their bid of \$13,978.00 is without foundation, adding approximately \$2,000.00 making complete erection, \$16,000.00.

The principal variation from our design and specification in the bids of Ricks Construction Company and J. M. Odom, both bidding on International Steel Company, is in the wind load pressure - their hangar and design to

withstand 60 miles per hour, whereas our specifications call for minimum 80 miles per hour wind load. However, we have secured a report from the U. S. Department of Commerce Weather Bureau showing a maximum wind velocity of the past 20 years. This report indicates a maximum 47 miles per hour velocity in May, 1946, with the highest gust reaching 75 miles per hour for a period of a few minutes.

We believe that the hangar design is safe for this area and recommend that the contract be awarded to the Ricks Construction Company for \$18,777.00 for the hangars including foundation.

I also want to call your attention to the fact that grading of the area on which the hangars are to be located will be necessary. We will also need a minimum 6" gravel apron. If the hangars are to be located on the north side of the airport the grading and gravelling cost is estimated at \$5833.20. Electric wiring - \$250.00 - Total, \$6,003.20. If the hangar is located on the south side of the field, the grading and gravelling cost will be the same, but the electric wiring will be slightly more. It is estimated at \$475.00.

Taking the Ricks Construction Company's bid of \$18,777.00, plus the grading, gravelling and electric wiring, the total cost of the hangars complete is estimated at \$24,860.00.

(Sgd) J. E. Motheral "

Councilman Glass moved that the bid of Ricks Construction Company, in the amount of \$18,777.00 be accepted as the lowest bid, and the City Manager be authorized to enter into contract accordingly; and further that the City Manager be instructed to get an estimate of the cost of hard-surfacing of runway . The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Councilman Johnson offered the following resolution and moved its adoption;

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a contract, on behalf of the City of Austin, with W.L. Bradfield and G. H. Brush for the construction of water mains and sanitary sewer mains in Vance Park Subdivision, all in accordance with the terms and provisions of that certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Contract attached)

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

KNOW ALL MEN BY THESE PRESENTS:

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, hereinafter for

convenience sometimes called the City, and W. L. BRADFIELD and G.H. BRUSH, both of Travis County, Texas, hereinafter for convenience sometimes called the Customer; W I T N E S S E T H :

I.

(a) The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay and agrees to lay the certain water mains and other pipes on the streets and at the locations described as follows:

Four-inch (4") cast iron water mains in Vance Circle Street from West 19th Street, a distance of approximately 500 feet located in Vance Park Subdivision.

(b) The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances and materials necessary to lay and agrees to lay the certain sanitary sewer mains and other sewer pipes on the streets and easements at the locations described as follows:

West 19th Street from Vance Circle to San Gabriel Street; in Vance Circle from West 19th Street to end of Vance Circle Street; in easement west of San Gabriel back of Lots 1, 2 and 3, located in Vance Park Subdivision.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Two Thousand Three Hundred Dollars (\$2,300.00) when completed, of which cost the sum of Eight Hundred Dollars (\$800.00) is estimated to be the cost of the water lines and the sum of One Thousand Five Hundred Dollars (\$1,500.00) is estimated to be the cost of the sewer lines; and the Customer, in consideration of the foregoing obligations of the City, which are assumed for the benefit of the Customer in order to furnish water service and sewer to him, agrees to deposit the sum of Two Thousand Three Hundred Dollars (\$2300.00) with the City of Austin prior to commencement of the work.

III.

Within a reasonable time after deposit of the sum or sums of money as provided in Paragraph II, the City of Austin agrees to commence construction of the utility improvements described in Paragraph I and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully completed; but delays occasioned by matters and events over which the City has no control shall be excepted and not included in the time reasonably required to complete the work.

IV.

The deposit provided for in Paragraph II is an estimate only of the cost of constructing the utility improvements described in Paragraph I;

and it is agreed that if the actual cost of such work is less than the amount deposited by the Customer, the City of Austin after the work is completed will refund to the Customer the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of said deposit, the Customer agrees upon notice from the City to immediately deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work.

V.

Immediately after completion of the utility improvements described in Paragraph I, the City of Austin will furnish to the Customer a statement of such costs, together with the date of completion of the work; and the City of Austin is hereby authorized, through its officers or agents, to note on this contract the correct figures stating the actual cost of such work and the date of completion.

VI.

It is agreed that the Customer shall be reimbursed for the money deposited as provided in Paragraph II above in the following manner:

Within sixty (60) days after the first day of January following completion of the work described in Paragraph I, the City shall pay to the Customer a sum equal to twice the gross amount of income realized by the City from the service and sale of water to its patrons having a direct connection with the water mains and sewer lines described above for the period of time immediately preceding the first day of January; and within sixty (60) days after the first day of January of each succeeding year the City agrees to pay to the Customer a sum equal to twice the gross income realized by the City during the preceding calendar year from the service and sale of water from said lines to its patrons having a direct connection with said water mains and sewer lines, until the total amount of the cost of construction of the utility improvements has been repaid; but in no event shall the City make such payments for a period of time longer than ten (10) years from the date of completion of said work (as such date is noted hereon under provisions of Paragraph V), even though the full cost of such work at the end of said time has not been refunded in full to the Customer; and if at any time before the expiration of said ten (10) year period the principal sum of such cost has been repaid, further payment shall cease.

VII.

It is agreed that the City may make such repairs and changes in all of said utility improvements, pipes, hydrants, and connections necessary to the orderly conduct of proper utility systems. Title to all said utility improvements shall be and remain at all times in the City of Austin.

VIII.

It is agreed that this contract is made with reference to the existing charter and ordinances of the City of Austin and laws of the State of Texas pertaining to all matters affecting this contract, and the Customer agrees to comply with all provisions of such laws, ordinances and charter.

IX.

It is agreed that the City of Austin may at its option retain any part or all of the deposit made by the Customer in compliance with Paragraphs II and IV of this contract and refuse to make the payments and refunds provided for in Paragraphs IV and VI of this contract in the event the Customer shall fail or refuse to comply substantially with any obligation lawfully imposed on the City of Austin regulating the platting, planning, and development of subdivisions within the City of Austin.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its corporate seal affixed, and the said W. L. Bradfield and G.H.Brush have executed this instrument in cuplicate this the \_\_\_\_ day of \_\_\_\_, 1947.

Attest:

\_\_\_\_\_  
City Clerk

CITY OF AUSTIN

By \_\_\_\_\_  
City Manager

BRADFIELD & BRUSH  
By \_\_\_\_\_

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

There being no further business, upon motion, seconded and carried, the meeting was recessed at 12:10 P. M., subject to call of the Mayor.

Approved: Tom Miller  
MAYOR

Attest:

Hallie McAllen  
City Clerk